

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SIU MAN WU,

Plaintiff,

v.

MARK GASTON PEARCE,¹ *et al.*,

Defendants.

No. C11-0860RSL

ORDER DENYING MOTION FOR
RECONSIDERATION

This matter comes before the Court on plaintiff's motion for reconsideration. Dkt. # 56. As a result of a series of decisions, all of plaintiff's claims in the above-captioned matter had been dismissed as of July 2012. The only claim that might possibly be reinstated was a claim for injunctive relief directing the NLRB to process plaintiff's March 2009 complaints. Defendants showed, however, that injunctive relief was not appropriate because once the March 2009 complaints were discovered, the NLRB assisted Mr. Wu in filing a formal charge (the May 2009 charge), waived any objection based on the delay in filing the charge, and attempted to investigate plaintiff's allegations against the union. Plaintiff's request for injunctive relief requiring the NLRB to process his March 2009 complaints was, therefore, moot and the Court directed entry of judgment. Dkt. # 54.

¹ Mark Gaston Pearce has been substituted for his predecessor, Wilma B. Liebman, as Chairman of the National Labor Relations Board ("NLRB"), pursuant to Fed. R. Civ. P. 25(d).

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1 Plaintiff argues that he should be able to pursue claims against Richard Ahearn for
2 the wrongs committed between March 2009 and May 2009 (presumably the mishandling of the
3 complaints). Plaintiff's claims of discriminatory intent and/or conspiracy against defendant
4 Ahearn were not adequately pled and were dismissed in April 2012. Any request for
5 reconsideration of that dismissal is untimely. To the extent plaintiff is arguing that he was
6 deprived of the opportunity to prove that the union failed to comply with Article 15.2 on or
7 before November 15, 2008, as well as after November 28, 2008, he does not attempt to show that
8 the relief that was available to him had he pursued the May 2009 complaint would have been
9 insufficient. Having failed to show manifest error in the Court's ruling or any cognizable legal
10 claim, the motion for reconsideration is DENIED.

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12 Dated this 18th day of October, 2012.

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14 Robert S. Lasnik

15 United States District Judge
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